

California Integrated Waste Management Board

Board Meeting

March 15-16, 2005

AGENDA ITEM 23

ITEM

Consideration Of Grant Agreement Time Extensions For The Solid Waste Disposal And Codisposal Site Cleanup Program For Merced County, Orange County, And City Of Vallejo

I. ISSUE/PROBLEM STATEMENT

Time extensions have been requested by Merced County, Orange County, and the City of Vallejo for their respective disposal site cleanup grants approved pursuant to the Solid Waste Disposal and Codisposal Site Cleanup (Solid Waste Cleanup) Program. Staff recommends approval of the time extensions. Table 1 (below) provides summary information on the requests.

Table 1. Grant Information Summary.

Project Name	Grant Amount	Grant Balance	Current Expiration Date	Proposed Extension
Birdland Illegal Disposal Site (Merced County)	\$300,000	\$170,618	April 30, 2005	December 31, 2005
Prima Deshecha Trash Removal Project (Orange County)	\$624,020 (Matching)	\$624,020	April 30, 2005	March 30, 2007
City of Vallejo Illegal Disposal Sites Cleanup Project (Solano County)	\$255,000	\$231,016	April 30, 2005	April 30, 2006

II. ITEM HISTORY

In June 2003, the Board approved a matching cleanup grant pursuant to the Solid Waste Cleanup Program for the County of Orange in the amount of \$624,020.

In May 2003, the Board approved illegal disposal site cleanup grants pursuant to the Solid Waste Cleanup Program in the amounts of \$300,000 for the County of Merced and \$255,000 for the City of Vallejo.

III. OPTIONS FOR THE BOARD

1. Approve the requested time extensions and adopt Resolution 2005-56; or
2. Disapprove the requested time extensions.

IV. STAFF RECOMMENDATION

Staff recommends option 1, adopt Resolution 2005-56 to approve the requested time extensions.

V. ANALYSIS

A. Key Issues and Findings

Public Resources Code (PRC) Section 48020(b) requires the Board to initiate a program for the cleanup of solid waste disposal sites and for the cleanup of solid waste at codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation and where the cleanup is needed to protect public health and safety or the environment. The Board is authorized to provide grants to public entities to assist in site cleanup [PRC Sections 48021(b) and (c)].

Since inception of the Solid Waste Cleanup Program in 1994, the Board has awarded forty seven (47) grants totaling approximately \$21,500,000. Sixteen grants (16) are currently active. In accordance with Board policy implemented by the Grants Administrative Unit, the grant terms are normally up to three fiscal years including the year of award. Extensions are considered for approval by the Board on a case-by-case basis. The Board has previously approved time extensions for grants awarded under the program in April 2004 (three grants) and May 2003 (two grants). The grants under consideration in this item have not previously requested time extensions.

Birdland Illegal Disposal Site (Merced County): This 12-acre illegal disposal site is located in an area known as “Big Water Lake”, a part of the Los Banos State Waterfowl Area, Merced County. At the time of cleanup grant approval, this site contained approximately 2,000 cubic yards wood waste, 150 cubic yards treated wood waste (railroad ties), 400 cubic yards gypsum board, 300 cubic yards concrete/asphalt, 50 cubic yards of scrap metal items, approximately 400 waste tires, 12 trailers/frames, 20 abandoned vehicles, 3 pieces of farm machinery, a dilapidated wood-frame/metal-clad building, dismembered heating tanks, and a partially dismantled-roofless steel storage tank.

The Merced County Public Health Department (Merced County), which acts as the Board’s Local Enforcement Agency (LEA), is removing the solid waste and dangerous building at this site under this grant by contract with a private firm. The LEA has also committed to provide ongoing enforcement to prevent recurring illegal disposal at the site.

By letter dated December 29, 2004, Merced County requested an extension of the grant from April 30, 2005 until December 31, 2005 to address delays in completing the project. The delays are due to problems with the contractor and a larger quantity of solid waste encountered than expected. The County conveyed in their letter that the issues are resolved and the project is on schedule for completion by the requested extension date.

Prima Deshecha Trash Removal Project (Orange County): The matching grant project will remove solid waste and treat contaminated liquids in contact with solid waste (leachate) that accumulate at Poche Beach. Poche Beach is a public beach owned by Orange County and receives an estimated 112,000 visitors each year.

The project includes construction, operation, and maintenance of a waste removal system (trash nets and treatment plant) in the public right-of-way. Additional pollution source tracking and monitoring will also be conducted as part of the project to confirm performance of the system. Although these systems will cleanup solid waste and control leachate, they will have an added benefit of treatment of bacteria and dissolved contaminants from sources other than solid waste. The County is responsible for CEQA compliance, contract procurement, design, construction quality assurance, permits, and long-term operation and maintenance.

The preliminary total project cost was estimated at \$1,984,691 and the County is providing all additional funding needed to complete the project through other grants or sources of funding, and will be responsible for long-term operations and maintenance beyond the grant term.

By letter dated January 5, 2005, the Orange County Resources and Development Management Department requested an extension of the grant from April 30, 2005 until March 30, 2007 because of higher cost estimates based on the “90 percent” design plans and specifications and resultant delays in establishing the remaining funding needed to complete the project. The County conveyed in their letter that they have obtained the additional funding assistance and are on schedule to complete the project under an updated schedule by the requested extension date.

City of Vallejo Illegal Disposal Sites Cleanup Project (Solano County): Under this grant, the City of Vallejo Public Works Department (City) is mitigating thirty-one (31) public right-of-way and owned “hot spots” used for illegal dumping throughout the City limits.

In addition to waste removal using grant funds, preventive measures are being implemented including signs, fencing and barriers upon completion of site cleanups. A public awareness and outreach program has been created to educate the public regarding nuisance dumping by means of billboard, newspaper advertisements, brochures and television advertisements. The City is also providing in-kind services such as installation of surveillance cameras and other monitoring as part of its commitment to provide ongoing enforcement to prevent recurring illegal disposal at the site, two vehicles for the work crew to conduct cleanup, lighting and maintenance activities by the Code Enforcement Department, documentation and analyses, and preparation of a final report upon completion of the project.

By letter dated February 1, 2005, the City requested an extension of the grant from April 30, 2005 until April 30, 2006 because of unanticipated delays in completing the project based on the following factors: a need for additional surveys of sites to establish property boundaries; inclement weather; unanticipated problems in dealing with the homeless population at the largest site; and the initial bids for cleanup were higher than expected for the largest site thereby requiring the City to re-bid the entire project. Extension of the grant agreement to April 30, 2006 will allow the project to be completed under the revised time schedule.

B. Environmental Issues

Based on the degree of risk to public health and safety and the environment, the sites that are being abated by the City of Vallejo and Orange County grant funds were evaluated as Priority A1 and the site being abated by the County of Merced was evaluated as Priority A3. Priority A1 is a confirmed condition of pollution or nuisance from solid waste based on a comparison with State minimum standards with significant residential, industrial, park, recreation, or environmentally sensitive areas within 1,000 feet of the sites. Priority A3 is a confirmed condition of pollution or nuisance from solid waste based on a comparison with State minimum standards in a rural area. If these Grants Agreements are not extended, it is unlikely that the cleanup work will be completed in the near future.

C. Program/Long Term Impacts

Due to the uncertainty of the future funding, unless these Grant Agreement time extensions are approved, it is unknown when these Priority A sites can be cleaned up; thus the sites will continue to pose a risk to the public health and safety and the environment.

D. Stakeholder Impacts

Without a time extension, it is unlikely that these local government Grantees will be able to complete the cleanup of the grant sites in the near future.

E. Fiscal Impacts

If the grants are allowed to expire, unused funds will revert back to the Solid Waste Disposal Site Cleanup Trust Fund for future projects. Extending the grants will ensure utilization of the funds the Board approved for these sites. Update on Trust Fund status will be available for presentation at the Permitting and Enforcement Committee and Board Meetings concerning this item.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice

The Grantees are required to perform their grants in a manner that is consistent with the principles of Environmental Justice as set forth in PRC Section 72000.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 4, by directing Board resources to manage and mitigate the impacts of solid waste on public health and safety and the environment.

VI. FUNDING INFORMATION

The previously approved grants would utilize existing encumbered funds from the Solid Waste Disposal Site Cleanup Trust Fund. No additional funds are requested.

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Solid Waste Disposal Trust Fund	N/A	N/A	N/A	Grants

VII. ATTACHMENTS

1. Resolution Number 2005-56

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Scott Walker

Phone: (916) 341-6319

B. Legal Staff: Steve Levine

Phone: (916) 341-6064

Holly Armstrong

Phone: (916) 341-6060

C. Administration Staff: Roger Ikemoto

Phone: (916) 341-6116

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff has received written requests from the Grantees in support of this item.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-56

Consideration Of Grant Agreement Time Extensions For The Solid Waste Disposal And Codisposal Site Cleanup Program For Merced County, Orange County, And City Of Vallejo

WHEREAS, Public Resources Code (PRC) Sections 48020 et seq. authorize the California Integrated Waste Management Board (Board) to implement the Solid Waste Disposal and Codisposal Site Cleanup Program to remediate environmental problems caused by solid waste and to clean up illegal disposal sites to protect public health and safety or the environment where the responsible parties cannot be identified or are unable or unwilling to pay for timely remediation; and

WHEREAS, PRC Sections 48021(b) and (c) authorize the Board to provide grants to public entities to assist in site cleanup; and

WHEREAS, in June 2003, the Board approved a matching grant pursuant to the Solid Waste Cleanup Program for the County of Orange in the amount of six hundred twenty four thousand and twenty dollars (\$624,020); and in May 2003, the Board approved illegal disposal site grants pursuant to the Solid Waste Cleanup Program in the amounts of three hundred thousand dollars (\$300,000) for the County of Merced and two hundred fifty five thousand dollars (\$255,000) for the City of Vallejo.

WHEREAS, Merced County, Orange County and the City of Vallejo require additional time to complete cleanups for all the Priority A sites approved by the Board in their respective grants and Board approval of the requested time extensions will not result in the allocation of additional funds from the Solid Waste Disposal Site Cleanup Trust Fund; and

NOW, THEREFORE, BE IT RESOLVED that the Board approves Grant Agreement time extensions to: December 31, 2005, for Merced County (Grant No. SWC4-02-1); March 30, 2007, for Orange County (Grant No. SWC5-02-1); and April 30, 2006, for the City of Vallejo (Grant No. SWC4-02-2).

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 15-16, 2005.

Dated:

Mark Leary
Executive Director